



DATE:

August 27, 2013

APPROVED

BY:

Russell Schaedlich, Secretary

LAKE COUNTY PLANNING COMMISSION

July 30, 2013

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Hausch called the meeting to order at 5:02 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Morse, Pegoraro (alt. for Troy), Schaedlich, Siegel, Welch (alt. for Aufuldish), Zondag, Mmes. Hausch, and Pesec. Legal Counsel present: Assistant Prosecutor Joshua Horacek. Planning and Community Development Staff present: Mr. Radachy, and Ms. Truesdell.

MINUTES

Mr. Adams said that on page 4 of the June 2013 minutes, remove the phrase "the area in blue did not count" and change it to, "the open space did not count," on the second line because the reader would not have a map to refer to.

Mr. Zondag moved and Mr. Siegel seconded the motion to approve the June, 2013 minutes as corrected.

Six voted "Aye".

Two abstained.

Mr. Pegoraro arrived at 5:06 p.m.

FINANCIAL REPORT

Mr. Adams asked what was referred to in column M, "average per month Jan-June".

Ms. Truesdell explained that amount in that column in the Expenditure Accounts represents the monies that would have been spent based on the average per month times

the six-month period. The “+ or –” column represents the actual actual amount spent above or below the average per month.

Mr. Radachy said he submitted a memo to the County Administrator saying that the subdivision, land use and zoning administration, and CDBG workload has increased and an additional employee, be it part-time or full-time, will be needed.

A question was asked about the Revenue Accounts. Ms. Truesdell explained the column, “received Jan to June”. The Refunds & Reimbursement account represents receivables from CDBG and other federal and state grants to support the salaries of the office staff working in that regard.

Mr. Zondag moved and Mr. Pegoraro seconded the motion to approve the April, 2013 Financial Report.

All voted “Aye”.

EXECUTIVE SESSION

Mr. Schaedlich moved and Mr. Siegel seconded the motion to go into Executive Session.

A roll call vote was taken.

Adams	yes	Pegoraro	yes
Brotzman	yes	Siegel	yes
Hausch	yes	Welch	yes
Morse	yes	Zondag	yes
Schaedlich	yes		

All voted “Aye”.

The meeting came out of Executive Session at 5:25 p.m.

Ms. Pesec arrived at 5:34 p.m.

The Planning Commission meeting resumed at 5:36 p.m.

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

Josh Horacek, Assistant Prosecutor, reported an update on Kimball Estates. He said that he has talked to George Hadden of the Engineer’s office who said he spoke to the

adjoining property owner. There are concerns with the amount of water coming off Mr. Brotzman's property. He has not had the opportunity to meet with Mr. Brotzman.

Mr. Brotzman said it is well documented that since 2003 he has asked the County on all levels to address the amount of water coming off his property. He felt he already made a major concession for Kimball Estates in 2013. The water problem should have been dealt with then, before the houses were built. The solutions are not very doable now.

Mr. Zondag said that it should be resolved by setting a timeline to bring this to conclusion with all vested parties in a meeting. If we cannot get this resolved, we need to find out why and who the parties are that are really responsible.

Mr. Horacek was asked if a meeting helped with the other parties and said that the other property owner did not attend.

DIRECTOR'S REPORT

Mr. Radachy reported the following:

- He and Marian Norman will be attending CDBG training, "Basically CDBG Training for Entitlements" in Hartford, Connecticut from August 6-9.
- The Planning & Zoning Workshop was very well attended and responders seem pleased about the topics that were offered.
- He is still working with Ashtabula County assisting with zoning cases and subdivision questions.

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

Concord Township – Stoneridge Estates Preliminary Plan, 52 Sublots on 53.85 acres

Mr. Radachy said the developer is Mentor Farms, LLC represented by Russell Berzin and the engineer is Barrington Consultants represented by David Novak. Preliminary plan reviews were done in 2004 and 2007. There is water and sewer and it is zoned R-2 RCD with the average lot size of .5 acres. There is R-4 Single Family zoning on all sides. There are 22 acres of open space or 41% of the subdivision. It is located on Girdled Road just east of Route 608 and west of Ravenna Road.

The main connection is to Girdled Road. There is a temporary cul-de-sac from Blue Crest into the subdivision and they are opening up a temporary cul-de-sac coming out of Cali Woods, Jo Ann Drive.

Proposed Preliminary Plan Stipulations:

1. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C
2. Until plats and plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. Art. I, Sec 4, B
3. Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three year maintenance bond or surety when the subdivision goes into the maintenance phase. Article V Section 8(D)
4. The current sanitary easement adjacent to the property needs to be shown. Art. III Sec 3(D)(1)(f)
5. The topography has been altered near the southern gas well. There has been a driveway installed and not shown on the preliminary plan. Article III Section 3(D)(1)(i)
6. Show the location of the existing fire hydrant on Jo Anne Drive in Cali Woods No. 2. Article III Section 3(D)(1)(w)
7. Wetland information for phase 2 of the subdivision shall be provided. Art. III Section 3(D)(1)(z)
8. Must show known and/or suspected cemeteries, historic or archeological sites. Art. III Section 3(D)(1)(v)
 - a. The Township would like to see the monument for General Simon Perkin's camp identified on the plans and preserved for its historical significance. Concord Township

Proposed Design Stipulations:

1. Preston Trail/Jo Anne Drive block length exceeds maximum block length of 1400 feet by 950 feet+/- . Article IV Section 3(G)(2)
2. The developer will be required to remove the temporary cul-de-sacs on Keystone Drive and Jo Anne Drive and install grass. Article IV Section 3(B)(9)
3. Are there desirable building sites on sublots 11, 35, and 36. The sites have been used for gas drilling. Does that affect the building sites? Article IV Section 7(A)(1)
 - a. Staff acknowledges that we do not have jurisdiction over location of gas wells or other facilities. The local zoning does not have any regulations requiring setbacks from existing gas wells or equipment.

4. Are there desirable building sites on sublots 22, 23, 24, 26, 27, and 28? The topography indicates that there are swales on the sublots that become a stream in between sublots 49 and 50. Article IV Section 7(A)(1)
5. There is a sight distance concern with the intersection of Girdled Road and Preston Trail. There is a dip on Girdled Road and it may cause some issues. The proposed location may be the best location, but additional documentation may be required. Lake County Engineer
 - a. Lake County Subdivision Regulations Require 500 feet vertical visibility. Art. IV Sec. 3(C)(3)
6. Roads shall have a maximum grade of 10%. Art. IV Section 3(D)(1) & Lake County Engineer
7. Sublots 11, 12, 13 and 14 were moved to this location after zoning approval from Concord Township. Does this change need to be approved by Concord Township?
 - a. Recommend relocating proposed sublots 12 and 13 to maintain a buffer between the Woodcrest and Stoneridge developments, to minimize the encroachment on the detention basin by subplot 11, and to increase the distance from the relocated tanks/separators to subplot 11. Proposed sublots 11-14 were not located adjacent to the project boundary line when the Preliminary Plan was approved by the Township. While the Township recognizes the relocation of lots was due, in part, to minimize stream impacts in both the southwest corner and northern portions of the site, the County's preliminary plan and final plat approval shall be based on.
8. Sanitary sewer along proposed Keystone Drive must connect to the existing sanitary sewer located at the terminus of the existing dedicated Keystone Drive. Utilities Sanitary Engineer
9. There may be more than one watershed in this subdivision. Additional storm water facilities may be required. A good location for a facility would be between sublots 21 and 22. Lake County Engineer
10. The proposed storm water facility will impact sublots 9, 10, and 11. It would be preferred to have facilities that were not on the sublots and located in the open space. LCSWCD
11. It is important to have proper access and available space for maintenance of storm water management facilities. Due to many problems with facilities that extend onto private lots, the recommended lot layout provide for the stormwater basin/water quality pond be located entirely on common property and not within individual sublots. LCSWCD
12. Does the waterline on Keystone Drive connect to the waterline on Jo Anne Drive? LCOPC&D

Proposed Design Comments:

1. The existing home and accessory buildings need to be removed in order for subplot 36, 37 and 38 to be legal lots. All existing accessory buildings need to be removed from the open space. LCOPC&D
2. The name Preston Hill Court has been used in Mentor City. Preston Trail should be fine for use in this subdivision. LCOPC&D
3. Concord Township Fire Department will require a street "name change" if it is determined one is similar to others already established in Concord Township. Concord Twp. Fire Dept.

Proposed Technical Stipulations:

1. Financial approval could be forthcoming when detailed construction plans are submitted to the Lake County Department of Utilities for review. Utilities Sanitary Engineer
2. Fire flows must meet the ISO minimum requirements for size, type, and spacing for structures built. Concord Twp. Fire Dept.
3. Streets and Fire Hydrants must be installed and operational prior to start of construction of any structures. Concord Twp. Fire Dept.
4. Street name signs and "No Parking on Hydrant Side of Street" signs shall be provided and installed prior to the start of construction of any structure. Concord Twp. Fire Dept
5. Hydrant flows must be 750 gallons per minute minimum. Concord Twp. Fire Dept.
6. Hydrant steamer outlet shall be 5" Stortz fitting on all hydrant installations, and future installations. Concord Twp. Fire Dept.
7. Haul road bonds may be required in order to use Keystone and the roads in Cali Woods as haul roads. Lake County Engineer
8. Type of culverts will be decided by the Corps of Engineers. Lake County Engineer
9. Yard drains will be required. Lake County Engineer
10. The road structure will be designed based on a soil test performed by the developer. LCE
11. Provide an access area to the tanks/separators outside of the right-of-way for service vehicles. Such areas shall be of sufficient size, taking into consideration future plugging or maintenance of the wells (maintain necessary easement area for surface access). Concord Township
12. Recommend providing protection for the well heads that are adjacent to the right-of-way. Concord Twp.
13. The ownership and maintenance of the open space shall be specified and agreed to by the Township. Final forms of covenants running with the land and any deed restrictions, easements, and by-laws for homeowners associations shall be provided to the Township. Concord Township
14. The Preliminary Plan previously approved by the Township for this project in March 2010 was recently re-approved by the Trustees in June 2013 due to its expiration. Revised plans submitted for Subdivision Review propose the same number of lots and provide the same amount of open space, but has changed slightly in design and lot configuration. Proposed open space meets design criteria for residential conservation development. Note that any area within the designated open space that is disturbed during construction or otherwise not preserved in its natural state shall be landscaped with vegetation that is compatible with the natural characteristics of the site. Concord Township
15. The Declaration of Restrictions signed and agreed to by the previous owner of the property in March 2010 with the original Preliminary Plan shall be transferred/agreed to by the new owner

and updated, as necessary, to conform to the revisions in the updated plan. Concord Township

16. USACE approved wetland delineation will be required for improvement plan approval from SWCD. LCSWCD
17. Commonly held open space should be protected by a third party conservation easement to prevent encroachment from subplot owners. LCSWCD
18. A full storm water pollution prevention plan SWP3 will be required by Lake SWCD for improvement plan approval. LCSWCD

Proposed Preliminary Comments:

1. Consider using a construction drive to build road and road improvements.
2. What is the timetable for the demolition of the existing structures on site?
3. Potable water to be furnished by Painesville City, per their "Franchise Agreement" with the Lake County Board of Commissioners. Utilities Sanitary Engineer
4. The Cleveland Electric Illuminating Company has no concerns to express at this time. CEI
5. Water is available. We are waiting for review points. Improvement Plans have not been submitted for review as of 7/24/2013. Painesville City Water Dept.
6. As detailed in the Ohio Fire Code Appendix D, roadways and fire apparatus access roads shall not exceed 10 percent in grade with all turns having a minimum turning radius of 28 feet. All driving surfaces are to be capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.
7. Spacing of fire hydrants will be determined by the Concord Township Fire Department and based on a case by case review. Concord Twp. Fire Dept
8. Building numbers must be provided and installed prior to occupancy of any structure. Concord Twp. Fire Dept
9. Street name signs and mailbox house numbers must be double sided. Concord Twp. Fire Dept.
10. A hydrant shall be placed at the entrance of the cul-de-sac (Permanent or Temporary). Concord Twp. Fire Dept.
11. Subdivisions with a total of more than 50 lots are required to have 2 means of access for safety purposes. (50 lots is the total for all phases or potential phases of the project.) Concord Twp. Fire Dept.
12. All contractors are to be instructed NOT to park on the hydrant side of the street during any construction. Concord Twp. Fire Dept.
13. Concord Township Fire Department will NOT approve "Stub Streets" of any length. Temporary or permanent cul-de-sacs must be provided with a minimum diameter of 120'. Concord Twp. Fire Dept.

Mr. Radachy talked about the following Proposed Design Stipulations:

- Stipulation #1 -Jo Anne Drive between Girdled Road and Keystone Drive exceeds the 1,400 feet allowable by 950 feet. There either has to be another road out to Girdled or connect some place else or ask for a variance.
- Stipulation #5 - This is a site distance concern. There is a little dip on Girdled Road just about where the drive goes into the subdivision.
- Stipulation #7 - Sublots 11, 12, 13 and 14 were moved to the location of the sublots to the current location that is on the map. Concord Township is recommending that 12 & 13 be relocated away from Keystone Drive.
- Stipulation #8 - The sanitary sewer line needs to connect from Keystone to Jo Ann Drive. It is currently in an easement.

Mr. Radachy pointed out the block length saying that there is no other place to go with the road.

The County Engineer has recommended that the grade and site distance of the intersection of Girdled Road and Preston Trail may have some issues and additional documentation may be required. The most expensive and easiest way to eliminate the problem is to shave down Girdled Road.

On the original plan of 2009, the sublots between Cali Woods and Woodcrest have open space between the existing sublots and the proposed sublots. The decision was made to move the sublots closer and eliminate the open space between the existing sublots and the proposed sublots. Concord is asking that the sublots on Keystone have that open space returned. They are talking about 11-14. Concord and staff recognized that 11, 12, 13, and 14 were moved closed to Woodcrest and the open space was eliminated. Sublots 7 and 8 were also moved closer to Cali Woods. Initially, 7 and 8 and 11 and 12 had open space between themselves and the existing subdivisions. Now the sublots are right up against the sublots of the subdivision.

There is no easement on the preliminary plan but a local service drainage easement would be required for the retention pond and the pipes going to and from the pond. The pond is mostly on the open space but it is going onto some of the sublots. The map also shows that the sanitary sewer manhole, at the corner of the current temporary cul-de-sac runs through an easement down through Cali Woods and down to Sara Lee. The Sanitary Engineer is requiring that they abandon the sanitary sewer line and connect across to a manhole in the right-of-way. The Sanitary Engineer is requiring the sanitary sewer to be in a right-of-way.

Mr. Radachy said staff is recommending approval of the Preliminary Plan.

Mr. Zondag asked if there was an active well on the property.

Mr. Radachy pointed out the two gas or oil wells. The one on the southern portion of the property on Preston Trail located on subplot 35. The northern one is closer to the road right-of way on Keystone on subplot 10.

Ms. Pesec asked what the setback was for the gas well near subplot 35.

Mr. Radachy said Concord Township does not have a setback on wells. The wellhead itself is within the 30-foot setback from the road and right on the road.

Ms. Pesec asked where the house would go on the lot.

Mr. Radachy said he did not know where the house would go on the site.

Ms. Pesec said current State law states that in an urban area a new well has to be a minimum of 150 feet from a home. Concord Township has not specified that in their zoning.

Mr. Radachy said that one of the stipulations questions the desirability of the lots with the gas wells on them.

Ms. Pesec asked if it was the same for the tank batteries on subplot 31. They are probably not within 150 feet of a home.

Mr. Radachy said the tanks are within the setback of a 30-foot rear line setback. The lots are 230 to 260 feet deep. The house can be anywhere within a 30-foot setback on the front and back sides and 10 feet on the left and right sides.

Ms. Pesec said she has seen documented incidences that tank batteries exploded 300-400 feet away here in Ohio urban areas.

Mr. Brotzman asked if we know the location of the lines that connect the wells to the separators. Is that an important detail? Do we know how deep those lines are?

Mr. Radachy said no, we do not know the location of the lines. The builders are going to need to know the location of the lines so they do not hit the lines when digging the basements. The builders will need to know and staff will need to know to judge if those are buildable sublots.

Mr. Brotzman asked if the lines follow any easements.

Mr. Radachy said none were submitted.

Ms. Pesec asked if they will just be underneath people's property.

Mr. Radachy said in order to maintain the line, hopefully, the property owner will issue an easement to maintain those lines. Once the lot is subdivided and there is no easement, the well owner has no legal right to go onto the property to maintain the lines without an easement. When the well is abandoned they cap the well and remove the lines and remove the tanks.

Ms. Pesec said she is talking about when it is going.

Mr. Radachy said stipulations will be forthcoming to make sure the developer caps the well and removes the lines and that the homes are not placed in the easements. The property owner will be notified by the mortgage location survey that there is an easement on their property.

Ms. Pesec asked if this well is currently producing and if those tank batteries currently exist. Do we know exactly where the pipeline is currently?

Mr. Radachy said he requested the information for the preliminary plan but it was not submitted by the Engineer.

Mr. Schaedlich said it can still be made a stipulation.

Mr. Pegoraro said when he was on Mentor Planning Commission there were sublots with gas wells on them and the city required that the sublots not be sold until the wells were eliminated. The lots with the wells on them were not sold until the gas lines expired.

Ms. Pesec said the gas lines were going through people's back yards as well. Not only should there be an easement but there are safety issues involved. Pipelines are exploding at an ever increasing rate. Even if you sell lot 32 because the tank battery is behind lot 32, there can still be an explosion that would affect lot 32. It is a good partial solution to hold the lot until the well has been exhausted, but the whole explosion zone area needs to be considered, not just the lots.

Mr. Zondag asked if they were transport lines?

Ms. Pesec said, no, it's a simple gathering line. It would not be high pressure.

Mr. Radachy said we could make sure that they submit the information on the well lines and we can stipulate the placement of the easements. He was not sure if staff can require that they hold the lots back because once the plat is filed, we have no jurisdiction over the issue of permits. The City of Mentor has the advantage of issuing their own permits and they regulate their own subdivisions.

Mr. Zondag asked where the second set of tanks were? Is the tank battery in the bottom of a retention pond?

Mr. Radachy said they were supposed to move the tank battery and the tanks from the bottom of the retention pond closer to the right-of-way.

Mr. Brotzman said that in the first one, down by Preston, it looks like the tanks are about 250 feet or so from the well. He did not know why they were located so far away. They created a service road to go to them, but, the service road first passes closer to the gas well and eventually reaches the location of the tanks and separator. You would have thought they would have located it in an area that was more concentrated instead of cutting through all those lots.

Mr. Zondag asked what percentage was open space.

Mr. Radachy said 41%.

Ms. Pesec asked where the brine pits from the drilling process gets done and then buried on site.

Mr. Radachy said that the information was not supplied as part of the Preliminary Plan review. We do not have that requirement in the regulations. We can ask for it and try to stipulate it but it is not required to be on the Preliminary Plan. However, it was requested but not stipulated.

Ms. Pesec requested that it be made a stipulation.

Mr. Pegoraro asked if the open space was active or passive.

Mr. Radachy said passive.

Mr. Pegoraro asked if there could be an easement on the back of subplot 47 to connect the back of the open space so if people are hiking they do not have to trespass on other people's property to get around.

Mr. Morse said the same with subplot 38.

Ms. Pesec asked if it can be stipulated that the homeowners do not hold the open space but a third party.

Mr. Radachy said it has not been determined who is going to hold the open space. That was a stipulation from Concord Township.

Mr. Radachy said Proposed Technical Stipulation #15 says that "The Declaration of Restrictions signed and agreed to by the previous owner of the property in March 2010 with the original Preliminary Plan shall be transferred/agreed to by the new owner and updated, as necessary, to conform to the revisions in the updated plan. Stipulation #17 from the Soil and Water Conservation District says, "Commonly held open space should be protected by a third party conservation easement to prevent encroachment from subplot owners."

Mr. Zondag asked about wetlands.

Mr. Radachy said that the first phase was submitted with wetlands delineation. On the second phase the land between the first phase line and the rest of the subdivision has not been submitted. It has been stipulated that they submit a wetlands delineation on the plan before they can submit their improvement plans for Phase Two. If they do the wetlands delineation and they need to move the road or move sublots, they will have to file a revised preliminary plan to get reapproved before we can accept the final plat for Phase Two. There is a wetlands delineation that is not on the plan and was submitted to him but not the Commission.

Ms. Pesec asked if the wetlands delineation was reflected on the plan.

Mr. Schaedlich said not yet.

Mr. Radachy said if they did the wetland delineation on the first phase then they design the roads to have the least amount of impacts.

Mr. Zondag asked about the headwaters of two streams under Jo Anne Drive.

Mr. Radachy said they are not streams until they hit the roads. They are just water flowing across the field.

Ms. Pesec asked if Concord requested any upgrade in the road because of the tank battery in the back because there will be truck traffic.

Mr. Radachy said they did not request any upgrade in the road. There is still the same heavy traffic on Girdled Road and it is not upgraded.

Mr. Radachy said he added two stipulations. One stipulation about the burial of the pipelines and the other stipulation is to require an easement for egress between open spaces.

Will there be a temporary cul-de-sac at the end of Phase One?

Mr. Radachy said yes.

Dave Novak, Project Engineer for the subdivision said he had not yet applied for a variance for block length. There is no other connection point available. He will request that variance before he does Phase Two.

Mr. Novak said he attended the Northeast Ohio Planning and Zoning Conference in Warren. He thought it was the best one yet and that Dave Radachy should be congratulated.

Mr. Novak talked about the site distance concern at the intersection of Girdled Road and Preston Trail. He explained the site distance in relation to the dip in the road and site distance from Girdled Road. It is their opinion that it will not be an issue once the studies are done.

Mr. Novak said item number seven dealing with sublots 11,12,13, and 14 are the closest to Woodcrest over on Keystone Drive. Concord Township made the comment but they are not saying they object to the relocation of those lots. Ms. Pesec attended the meetings on this project and things have changed since its inception in 2004.

Mr. Radachy quoted Proposed Design Stipulation #7, "Sublots 11, 12, 13 and 14 were moved to this location after zoning approval from Concord Township. Does this change need to be approved by Concord Township". Concord Township says the location of sublots 11, 12 13 and 14 is fine and they will accept the final plat as submitted.

Mr. Novak said Concord has not given their opinion as to whether it is an issue or not. Originally, they thought they would have to go through Concord before they came here to get the relocation of those lots. The zoning change was based on a map. When you change that map, is it considered a large deviation or a minor deviation. In his opinion, the location of

the roads is the same so he considered it a minor modification. Even the lots that go in on Jo Anne Drive by Cali Woods were actually a recommendation by Soil and Water because it allowed them to shift the lots down farther to help protect an existing stream. Part of the residential zoning was to help protect the uniqueness of the property.

Mr. Novak referred to item #10. When they had the preliminary pre-application meeting, their intent was to take the storm water ponds off of those lots. Soil and water recommended to reduce the size of the pond down by sublots 9, 10, and 11 and put in another retention basin further up in the subdivision that would take care of Phase Two. This is something they will explore.

Mr. Radachy said the County Engineer said there may be more than one watershed in the subdivision. This will not be known until more engineering work is done.

Mr. Novak said they like the open space being protected by a third party. In other subdivisions they have found it is difficult to have a third party because there are costs involved. He is concerned that it is a stipulation and would rather see it as a recommendation. He agreed that a homeowner's association is not the best solution.

Mr. Novak quoted Proposed Preliminary Plan Stipulation #3 "Any subdivision with a preliminary plan filed after 1/27/04 will be required to provide a three year maintenance bond ..." Any subdivision they have recently done recently presents a difficult time getting three-year bonds.

Mr. Novak quoted proposed Design Stipulation #12, "Does the waterline on Keystone Drive connect to the waterline onto Jo Anne Drive?" He was not sure of that question because today it does not, but when they finish the subdivision it will.

Mr. Novak said under Proposed Design Comments, "The existing home and accessory buildings need to be removed in order for subplot 36, 37 and 38 to be legal lots. All existing accessory buildings need to be removed from the open space." His assumption is that if and when that last phase gets platted, that is when those buildings would have to come down.

Mr. Radachy said it would be before the Planning Commission signs off on that phase.

Mr. Novak said under Proposed Technical Stipulations #1, the word "Financial" should be "Final" approval could be forthcoming.

Mr. Novak said there was discussion about the gas lines and wells and how they are accessed. In their discussion with Concord, there were four or five different proposals about how the access drive up by Girdled Road was supposed to be on the lots. This is what Concord wanted at the time and has agreed to get RCD zoning. If they are moving these things he would ask that it is coordinated with Concord and agreed upon by both parties. The project needs to move forward because of financial pressures.

Mr. Brotzman asked if Concord had any concerns about the location of brine pits or transmission lines.

Mr. Novak said he did not know if there were any brine pits on the property. There were discussions about the gas line. The intent was that once the streets were put in, they would run the gas lines within the public right-of-way. They would not traverse under sublots. An easement may work fine. He thought John D. Oil would relocate those lines once the subdivision went in. He did not know how that agreement may or may not play out today.

Mr. Siegel made a motion to approve the subdivision.

Mr. Pegoraro recommended that Proposed Design Stipulation #7a, the open space between the existing lots on Keystone and the proposed lots, be eliminated. The walkways through side yards are very undesirable.

Mr. Radachy said that would move Proposed Design Stipulation #7a to a Comment as opposed to being a Stipulation.

Mr. Pegoraro said that item #13, rather than stipulating ownership to a third party, should be a recommendation and that staff be provided with documentation from the agencies that refused ownership.

With those changes Mr. Pegoraro seconded the motion.

Mr. Brotzman asked that Mr. Radachy indicate what the Preliminary Plan Stipulations were.

Mr. Radachy said the addition of Preliminary Plan Stipulation #13 would be to show the location of the pipelines and the brine pits and #14 would be to require an easement for ingress and egress between open spaces.

Ms. Hausch asked for a vote.

The motion was made to approve Stoneridge Estates Preliminary Plan with 52 sublots on 53.85 acres in Concord Township with the addition of Preliminary Plan Stipulation #13 to show the location of the pipelines and the brine pits and #14 to require an easement for ingress and egress between open spaces. Proposed Design Stipulation item #7a is to be moved to a Comment as opposed to being a Stipulation.

Nine voted "Aye".

Mrs. Pesec voted "Nay".

Ms. Pesec asked that the minutes reflect that she voted against this subdivision.

Ms. Hausch asked that the other party in attendance identify himself.

He said his name was Russell Berzin, Managing Member of Mentor Farms, LLC.

LAND USE AND ZONING REVIEW

Painesville Township – Modification to the Maplevue Village FPUD Plan

Mr. Radachy said that this is a modification on the Maplevue Village FPUD. The FPUD district was established in 2005. The change is large and significant enough to have another Zoning Commission and Trustees public hearing. The developer is Maplevue Village LLC and the engineer is Polaris Engineering. They intend to remove the attached condominiums and are proposing to replace them with multi-family buildings and remove commercial lots. The number of units will increase from 104 to 172. The units would be for seniors as opposed to the general public and the developer is proposing to eliminate the commercial development from the site. He is proposing to increase the open space and is eliminating the public right-of-way and the subdivision on this site.

Mr. Radachy said the reason for the change is the increase of wetlands on the site. The US Army Corps of Engineers and the OEPA do not care if the wetlands are natural or man made. They only care if they exist on the site. The 2011 aerial shows the road has been built and the cul-de-sac is in. The developer built the road and had it approved by the Engineer. One small issue with CEI was that the right-of-way was too close to the tower. Then the developer gave the property back to the bank. It has been sitting idle since 2007.

Mr. Radachy said that the Land Use and Zoning Committee and the Lake County Planning Commission recommended denying the FPUD on this site in 2005 based on the 1996 Comprehensive Plan recommending this site to be industrial. The 2007 Comprehensive Plan took into account the change in zoning to FPUD in 2005. The 2007 Comprehensive Plan recommended that the area be multi-family. The comprehensive plan committee did not really review the site closely because the zoning change was recent and the development had already begun. The 2007 Comprehensive Plan is silent on senior housing.

The developer did not provide information on ownership of the units or if the units are going to be rented or sold. The 2007 Painesville Township Comprehensive Plan recommended higher end multi-family units that are owner occupied. This information was missing. The Land Use and Zoning Committee believed that they were looking at rentals and not at owner occupied units, so they were concerned about recommending approval on the units.

Since the property has been developed, they built the storm sewers into the road, but they never built the rest of the storm sewers on the site so water movement on the site has changed. Only a third of the site is usable now and the remainder is all wetlands. So the developer is requesting a change from commercial to multi-family zoning. Ownership was never stated. The comprehensive plan states that multi-family is okay as long as it is in condominium ownership. It is not clear if they plan senior apartments or condominiums.

Land Use and Zoning recommended to allow the use of Senior Multi-Family Units as long as it meets the Painesville Township Comprehensive Plan requirements of Condominium Ownership.

Mr. Siegel moved and Mr. Schaedlich seconded the motion to accept the recommendation of the Land Use and Zoning Committee to allow the use of Senior Multi-Family Units as long as it meets the Painesville Township Comprehensive Plan requirements of Condominium Ownership.

Two voted "Aye".
Seven voted "Nay".
Motion failed.

SUBDIVISION REPORT

Mr. Radachy reported the following items:

- Mountainside Farms final plat was signed before the June 30th deadline. The plat has not been recorded. It is going to the Commissioners meeting on August 8th. They are trying to get their sureties in place. The road that has the YMCA dream house on it will become a public road.
- Summerwood Phase 4 just got their EPA approval. A letter was sent to the developer telling them their approval ended June 30th.

REPORTS OF SPECIAL COMMITTEES

There were no reports from special committees.

CORRESPONDENCE

Letter about Concord Ridge, R-4 to R-2 RCD District Change

Mr. Radachy referred to a letter from Linda Skok, Gretchen Skok DiSanto, and Dino DiSanto who are adjacent property owners to the proposed development by Tuckstell Investment, LLC. Their property sits immediately to the south and down from the Winchell Road property line of the proposed development. Since they do not have public water or sewer, they rely on a spring that is located immediately below the south side of Winchell Road directly across from the development's proposed connection to Winchell. They have expressed to the Concord Township Zoning Commission that the proposed RCD zoning is an

improvement over the current zoning because it will preserve the naturally occurring wetlands and streams on the proposed development site.

Mr. Radachy said they object to the access road to Winchell Road. They requested it to be eliminated from the plan because of the threats to water resources and safety. Its location, directly across from the spring, presents a potential source of water quality degradation from runoff, which will carry salt and other road pollutants across Winchell.

Mr. Radachy said we saw this preliminary plan last month as part of a district change review. He said that the road can be moved 250 feet to the north up towards Route 608. Dan Lily owns the property next door. There is a temporary cul-de-sac on the property line between Lily and Skok-DiSanto which can be considered a secondary access point. The connection to Winchell Road could be eliminated.

Mr. Schaedlich asked if they were okay with any connections away from the well or was it just right at the well.

Mr. Radachy said they would prefer it to be moved 250 feet because there is a cliff.

Mr. Pegoraro asked Mr. Horacek how riparian law fits into this situation when the homeowner advises the Planning Commission that a proposed development could contaminate their water.

Mr. Horacek said he would have to research this and report back.

Mr. Radachy said the Concord Township Zoning Commission's public hearing might produce some changes in zoning design. It has not been approved by the Zoning Commission. The Planning Commission has final say on road location. It was suggested that the Preliminary Plan be submitted to the Soil and Water Conservation District.

Mr. Brotzman reminded the Commission of the concerns about salt contamination that were expressed when the Madison Walmart was being built. That concern was passed along every step of the way. The letter from the Ohio EPA which addressed potential salt contamination said they would help resolve any issues. The EPA said they could appreciate that the plants were dying from salt contamination but no statutes have been broken because their standards for agricultural water are higher than what it takes to kill plants. So even though the grower's plants were dying, no laws had been broken. These are legitimate concerns.

Mr. Schaedlich said it has to be addressed in advance and acted upon.

Mr. Zondag said we have to do due diligence before rather than after.

Mr. Radachy said we did not have authority to do anything except make a recommendation to the Zoning committee. We had no jurisdiction in that fight but we do in this one.

OLD BUSINESS

ByLaws

Mr. Radachy said we have to send out written notifications that we are going to act on the ByLaws 15 days prior to the Planning Commission meeting in August. He requested that any suggestions for changes please be submitted.

NEW BUSINESS

Letter of Support for the Central Lake County Lake Front Connectivity Plan

Mr. Radachy said that there is a grant available through NOACA called Transportation for Livable Communities. Once a plan for transportation projects is written it can be used to obtain funds for various infrastructure improvements. Usually, it is for a single community. In this case Mentor, City of Painesville, Painesville Township, Grand River, Fairport Harbor, Lake County Planning Commission, LakeTran, Lake County General Health District and Lake MetroParks have all agreed to form a partnership as a key component to a community health improvement plan.

Mr. Radachy read the letter.

Ron H. Graham, R.D., L.D., M.P.H.
Lake County General Health District
Deputy Health Commissioner
Director of Community Health Services

August 7, 2013

Dear Mr. Graham:

Lake County Planning Commission supports the submission of the Transportation for Livable Communities Initiative (TLCI) Grant through collaborative association with Village of Fairport Harbor, City of Painesville, Painesville Township, Grand River, City of Mentor, Lake County Planning Commission, Laketrans, Lake County General Health District, and Lake County Metro Parks to implement the Central Lake County Lakefront Connectivity Plan Development Study. This unique partnership was identified as a key priority for local communities' health improvement plans. This, accompanied with restoration of local environmental recreation will lead to increased local business, greater sense of community through recreation, and enhanced environmental education for the public.

The TLCI Grant will seek to develop a "master plan" that would significantly improve the recreational aspect of the multi-modal transportation for the community. The grant would provide funds for a

study to support the design of trails/sidewalks/bike lanes/waterways and interconnectivity planning among the various communities and agencies. Improvements made to the community as laid out in the plan will increase the recreational enjoyment of the area for walkers, joggers, bikers as well as other Lake County residents and tourists.

The new developments in the area will lead to increased travel/traffic, which will benefit local businesses and help to augment the local economy. It is goal of Lake County to become a well-polished recreational area for active lifestyles, which could be used to attract tourists, residents, businesses and allow Lake County residents to reduce the rates of obesity and chronic disease in all of our communities.

The Lake County Planning Commission is willing to support the TLCI Grant by providing meeting space at their facility. They are also willing to provide staff time through the Office of Planning and Community Development and to provide planning services and mapping services, including a reasonable amount of large format prints.

Sincerely,
Geraldine Hausch, Chair, Lake County Planning Commission

Ms. Hausch asked for a vote. Mr. Pegoraro moved and Mr. Adams seconded the motion to support the submission to NOACA for the Transportation for Livable Communities Initiative (TLCI) Grant to implement the Central Lake County Lakefront Connectivity Plan development study.

All voted "Aye."

PUBLIC COMMENT

There was no comment from the public.

ADJOURNMENT

Mr. Siegel moved and Mr. Adams seconded the motion to adjourn.

All voted "Aye".

The meeting adjourned at 7:20 p.m.